

COHEN & GREEN

May 1, 2025

Hon. Margo K. Brodie, U.S.D.J.
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn New York 11201

By Electronic Filing.

Re: Mercante v. Tarzia, 24-cv-08471

Dear Judge Brodie:

As the Court may recall, my firm (with co-counsel) represents Plaintiff in the case above. I write with Defendant's consent to update the Court on scheduling and ask that the Court approve an agreement on timing the parties have reached.

By way of brief background, pursuant to the Court's March 5, 2025 Scheduling Order, Defendant served a motion to dismiss on Plaintiff, and Plaintiff filed a first amended complaint ("FAC") as of right under Fed. R. Civ. P. (a)(1)(A). Without belaboring the details here, in the wake of the FAC, some small but important factual developments took place. Defendant has graciously agreed to consent to a second amended complaint ("SAC") pursuant to Fed. R. Civ. P. 15(a)(2) in which Plaintiff can add relevant allegations. After that, Defendant will either serve a new pre-motion conference letter or an answer (we understand it will most likely be a motion).

On timing, then, the parties have agreed on the following:

- 5/8/2025: Plaintiff to file SAC;
- 5/23/2025: Defendant to file new pre-motion conference letter or answer.

Since this modifies the current Scheduling Order the parties ask the Court's approval for this adjustment to the existing deadlines. Judge Margo K. Brodie, Individual Practices and Rules § 3(C).

As always, the parties thank the Court for its time and consideration.

Respectfully submitted,
/s/

J. Remy Green

Honorific/Pronouns: Mx., they/ their/ them

COHEN & GREEN P.L.L.C.

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cc:

All relevant parties by electronic filing.